



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Sixth Meeting Day

Thursday Afternoon

January 13, 2005

The Senate convened at 1:34 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

Prayer was offered by Senator David C. Ford.

The Pledge of Allegiance to the Flag was led by Senator Ford.

Senator Garton yielded the gavel to the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft <input checked="" type="checkbox"/>	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 7: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 123, currently assigned to the Committee on Agriculture and Small Business, be reassigned to the Committee on Energy and Environmental Affairs.

GARTON

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 14

Senate Concurrent Resolution 14, introduced by Senator Miller:

A CONCURRENT RESOLUTION to honor Warren Central High School, Indianapolis, Indiana, on the occasion of its second consecutive victory in the Class 5A state football championship.

Whereas, The Warren Central High School Warriors are the Class 5A state football champions for the second consecutive year;

Whereas, A strong Warren Central team defeated top-ranked and previously unbeaten Fort Wayne Snider, 35-23, for the Class 5A state championship played in the RCA Dome on Saturday, November 27, 2004;

Whereas, This victory commemorated Warren Central's fourth state championship title and its second under coach Kevin Wright;

Whereas, Number three ranked Warren Central ran for more than 300 yards in the championship game and severely limited Fort Wayne Snider's potent running attack;

Whereas, Sophomore fullback Darren Evans set a Class 5A record when he rushed for 166 yards on 33 carries and a touchdown;

Whereas, Junior quarterback Dexter Taylor accounted for 218 offensive yards, ran for three touchdowns, and passed to senior Josh Bailey for another touchdown in completing a record 99-yard play from scrimmage;

Whereas, The offensive line allowed Warren Central to accumulate 461 yards and hold the ball for more than 30 minutes in a 48-minute game;

Whereas, Sixty-five of Warren Central's 68 offensive plays came on the ground to set a Class 5A game record totaling 347 yards; and

Whereas, Excellence at this level requires teamwork and cooperation, it is fitting that this effort be recognized: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Warren Central Warriors on their second consecutive Class 5A state football championship and to wish them well in their future endeavors.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to team members, coaches, managers, Warren Central's school principal, and the school's superintendent.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Buell.

Senate Concurrent Resolution 2

Senate Concurrent Resolution 2, introduced by Senator Miller:

A CONCURRENT RESOLUTION honoring Kevin Wright.

Whereas, Coach Kevin Wright was recently named the 2004 Indiana High School Football Coach of the Year;

Whereas, During his six years as Warren Central High School head varsity football coach, Coach Wright made quite a name for himself and his team, having amassed two state championship titles, two semistate titles, two regional titles, and seven sectional titles;

Whereas, Coach Wright began his coaching career in 1987 as an assistant coach at North Central High School;

Whereas, Before coming to Warren Central, Coach Wright held positions at Frankfort High School, Noblesville High School, and Louisville Trinity High School;

Whereas, Coach Wright knows the game of football inside and out, having played for Sheridan High School until his graduation in 1983 and Western Kentucky University from 1983 until his graduation in 1987;

Whereas, Coach Wright has experienced many great moments in his football career, but his biggest thrill came in 1980 when he was a member of the first state championship team at Sheridan High School, coached by his father;

Whereas, In addition to his duties as head football coach, Coach Wright teaches physical education;

Whereas, Coach Wright is well aware of the important role teachers play in the lives of our children; he has twenty relatives that are currently teachers in the central Indianapolis area; and

Whereas, Coaches and teachers play a special part in the lives of our children; coaches like Kevin Wright help to build the character of our children and mold them into productive and caring adults: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Kevin Wright on the occasion of his selection as the 2004 Indiana Football Coach of the Year and wishes him continued success in his

future endeavors.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to Coach Kevin Wright and his family, the athletic director of Warren Central High School, the principal of Warren Central High School, and the superintendent of the Metropolitan School District of Warren Township.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Buell.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 401 — Clark (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 402 — Clark (Pensions and Labor)

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning labor and safety.

SB 403 — Clark (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 404 — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 405 — Miller (Elections and Civic Affairs)

A BILL FOR AN ACT concerning elections.

SB 406 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 407 — Kruse (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 408 — R. Young, Craycraft (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

SB 409 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning mental health.

SB 410 — Steele (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 411 — Server (Commerce and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 412 — Heinold (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 413 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

SB 414 — Ford (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 415 — Breaux (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 416 — Gard (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

SB 417 — Lawson, Bray (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT concerning corrections.

SB 418 — Lawson (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

SB 419 — Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 420 — Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning children.

SB 421 — Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 422 — Clark (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 423 — Clark (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 424 — Clark (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

SB 425 — Waterman (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 426 — Waterman (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

SB 427 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 428 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 429 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 430 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 431 — Miller (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 432 — Miller (Health and Provider Services)

A BILL FOR AN ACT concerning health.

SB 433 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning the arts.

SB 434 — Hume, Meeks (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 435 — Kenley (Education and Career Development)

A BILL FOR AN ACT concerning professions and occupations.

SB 436 — Mrvan, Craycraft (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 437 — Mrvan, Craycraft (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 438 — Riegsecker (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 439 — Server (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 440 — Server (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 441 — Server (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 442 — Server (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 443 — Server (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 444 — M. Young, Bray, Broden, Server (Health and Provider

Services)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 445 — Mryan (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 446 — Gard (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 447 — Lutz, Weatherwax (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 448 — Broden (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 449 — Broden (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 450 — Sipes (Education and Career Development)

A BILL FOR AN ACT concerning education.

HB 1003 — Ford (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning economic development and to make an appropriation.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1021, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-33-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A law enforcement officer may arrest a person when the officer has:

- (1) a warrant commanding that the person be arrested;
- (2) probable cause to believe the person has committed or attempted to commit, or is committing or attempting to commit, a felony;

(3) probable cause to believe the person has violated the provisions of IC 9-26-1-1(1), IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3, IC 9-26-1-4, or IC 9-30-5;

(4) probable cause to believe the person is committing or attempting to commit a misdemeanor in the officer's presence;

(5) probable cause to believe the person has committed a:
(A) battery resulting in bodily injury under IC 35-42-2-1;
or
(B) domestic battery under IC 35-42-2-1.3.

The officer may use an affidavit executed by an individual alleged to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7; ~~or~~

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device); or

~~(9)~~ **(10) probable cause to believe that the person is:**

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence."

Page 1, delete line 6.

Page 1, line 7, delete "(3)" and insert "(2)".

Page 1, line 8, delete "(4)" and insert "(3)".

Page 1, line 16, delete "Class D" and insert "**Class A misdemeanor**".

Page 1, delete line 17.

Renumber all SECTIONS consecutively.

(Reference is to SB 117 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 229, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 13, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 18. IC 20-15-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-15-2-4.**".

Page 13, line 26, strike "superintendent," and insert "**chief executive officer,**".

Page 13, line 27, strike "superintendent" and insert "**executive**".

Page 13, line 29, strike "superintendent" and insert "**executive**".

Page 13, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 22. IC 20-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-15-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
- (2) Evaluation and improvement of the school staff, educational programs, and support services.
- (3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
- (4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.
- (5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-15-3-10(7).
- (6) Management of the school's outreach program with local public schools.
- (7) Advocating on behalf of the school under guidelines established by the board.
- (8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 23. IC 20-15-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

- (1) the determination by case conference committees based on individualized education programs as defined under IC 20-1-6-1; and
- (2) the school's admissions criteria adopted by the board under IC 20-15-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are visually disabled school age individuals.

SECTION 24. IC 20-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

- (1) The board.
- (2) The office of the secretary of family and social services.
- (3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 25. IC 20-15-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school."

Page 14, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 27. IC 20-15-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with visual disabilities, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the ~~superintendent~~, **executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 28. IC 20-15-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000.~~

~~(b)~~ The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 29. IC 20-16-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.5. **"Executive" refers to the chief executive officer of the school appointed under IC 20-16-2-4."**

Page 14, line 5, strike "superintendent" and insert **"chief executive officer"**.

Page 14, line 6, strike "superintendent" and insert **"executive"**.

Page 14, line 8, strike "superintendent" and insert **"executive"**.

Page 14, after line 20, begin a new paragraph and insert:

"SECTION 31. IC 20-16-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The ~~superintendent~~, **executive**, subject to the approval of the board and IC 20-16-4, has complete responsibility for management of the school.

(b) The ~~superintendent~~ **executive** has responsibility for the following:

- (1) Direction of the education, care, safety, and well-being of all students in attendance.
- (2) Evaluation and improvement of the school staff, educational programs, and support services.
- (3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
- (4) Serving as the purchasing agent for the school as provided in IC 5-22-4-8.
- (5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-16-3-10(7).
- (6) Management of the school's outreach program with local public schools.
- (7) Advocating on behalf of the school under guidelines established by the board.
- (8) Executing contracts on behalf of the school.

(c) The ~~superintendent~~ **executive** is the appointing authority for all employees necessary to properly conduct and operate the school.

SECTION 32. IC 20-16-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. Subject to:

- (1) the determination by case conference committee based on individualized education programs, as defined under IC 20-1-6-1; and
- (2) the school's admission criteria adopted by the board under IC 20-16-3-10(4);

the ~~superintendent~~ **executive** shall receive as students in the school Indiana residents who are hearing disabled school age individuals.

SECTION 33. IC 20-16-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A placement review committee for the school is established. The committee consists of one (1) representative of each of the following:

- (1) The board.
- (2) The office of the secretary of family and social services.
- (3) The superintendent of public instruction.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

- (1) Applications to the school denied through the process described in section 6 of this chapter.
- (2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another

educational facility, or voluntary departure from the school.

(c) The ~~superintendent~~ **executive** shall serve as an adviser to the placement review committee. The ~~superintendent~~ **executive** shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

SECTION 34. IC 20-16-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The ~~superintendent~~ **executive** may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real and personal property that are made, given, or granted to or for the school.

SECTION 35. IC 20-16-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall do the following:

- (1) Establish policies and accountability measures for the school.
- (2) Implement this article.
- (3) Perform the duties required by IC 5-22-4-8.
- (4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with hearing disabilities, including children with multiple disabilities, at the school.
- (5) Hire the ~~superintendent~~, **executive**, who serves at the pleasure of the board.
- (6) Determine the salary and benefits of the ~~superintendent~~, **executive**.
- (7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department of education, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

SECTION 36. IC 20-16-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~(a) This section applies after March 31, 2000.~~

~~(b)~~ The ~~superintendent~~ **executive** shall hire directly for those positions as approved by the state personnel department and the board any candidate the ~~superintendent~~ **executive** considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the ~~superintendent~~ **executive** may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

SECTION 37. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 20-15-1-7; IC 20-16-1-7."

Renumber all SECTIONS consecutively.

(Reference is to SB 229 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 10, delete "matter" and insert "**dispute between the parties**".

Page 5, line 10, after "to" insert "**the amount of**".

(Reference is to SB 2 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 53, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 1.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 94, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17

Page 2, delete lines 1 through 20.

Page 2, line 24, reset in roman "of a political subdivision".

Page 2, line 29, reset in roman "political subdivision".

Page 2, line 39, reset in roman "political subdivision".

Page 3, line 3, delete "an employer" and insert "**a political subdivision**".

Page 3, line 8, delete "municipal corporation" and insert "**political subdivision**".

Renumber all SECTIONS consecutively.

(Reference is to SB 94 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 225, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 2, delete lines 24 through 28.

(Reference is to SB 225 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 112, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 1.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 8, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 41, after "7." insert "**(a)**".

Page 4, between lines 21 and 22, begin a new paragraph and insert:

"(b) The division of marital property under this section must comply with IC 31-15-7-5."

(Reference is to SB 8 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 98, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 49, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 163, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "Furniture" and insert "**Wooden furniture**".

Page 1, line 6, after "agencies" insert ",".

Page 1, line 6, delete "and".

Page 1, line 7, delete "." and insert ", **and institutions of higher education**".

and when so amended that said bill do pass.

(Reference is to SB 163 as introduced.)

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 92, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 23, after "means" insert "**an Internet service**".

Page 2, line 27, after "access" insert "**or is an intermediary**".

(Reference is to SB 92 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 197, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 222, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 5 through 7.

Page 4, delete lines 40 through 42.

(Reference is to SB 222 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 2.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 224, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 44, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 10, Nays 1.

GARD, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senator Lawson be removed as author of Senate Bill 419 and that Senator Steele be substituted therefor.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as coauthor of Senate Bill 419.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as coauthor of Senate Bill 213.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as second author of Senate Bill 219.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Dillon be added as coauthor of Senate Bill 94.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Bill 215, assigned to the Senate Committee on Homeland Security, Utilities, and Public Policy, be withdrawn from further consideration by the Senate.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be removed as second author of Senate Bill 47.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Ford be added as coauthor of Senate Bill 47.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Clark and Zakas be added as cosponsors of Engrossed House Bill 1021.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Senate Bill 308.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Bill 378.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Breaux and Rogers be added as coauthors of Senate Bill 112.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Bray, Clark, Dillon, Drozda, Ford, Gard, Harrison, Heinold, Hershman, Jackman, Kruse, Landske, Lawson, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Nugent, Paul, Riegsecker, Server, Steele, Waltz,

Waterman, Weatherwax, Wyss, Zakas, R. Young, Craycraft, Skinner, Hume, Lewis, and Lutz be added as coauthors of Senate Bill 332.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Antich-Carr be added as coauthor of Senate Bill 285.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 285.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as coauthor of Senate Bill 222.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 7.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 154.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 8.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Drozda and Broden be added as coauthors of Senate Bill 49.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second author of Senate Bill 395.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author of Senate Bill 396.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Riegsecker, Zakas, Kruse, and Landske be added as coauthors of Senate Bill 213.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Nugent and Waterman be added as coauthors of Senate Bill 41.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Senate Bill 378.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 296.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Senate Bill 256.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller, Long, Lanane, and Rogers be appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 18, 2005.

Senator Miller shall serve as chair of the committee.

GARTON

Motion prevailed.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 65(b), I hereby report that, subsequent to the adoption of the Corrections, Criminal, and Civil Matters Committee Report on January 13, 2005, Senate Bill 163 was reassigned to the Committee on Appropriations.

GARTON

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1003, 1004, and 1083 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Bray be added as coauthor of Senate Bill 218.

NUGENT

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 1 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 2 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 1

House Concurrent Resolution 1, sponsored by Senator Rogers:

A CONCURRENT RESOLUTION commemorating Martin Luther King, Jr., Day.

Whereas, Dr. Martin Luther King, Jr., was one of our nation's truly great leaders;

Whereas, Dr. King had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream"; of an America where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers"; of a time when "this nation will rise up and live out the true meaning of its creed, 'we hold these truths to be self evident: that all men are created equal'";

Whereas, Dr. King had a dream for a better society in which "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, The visions of Dr. King continue to bring hope and inspiration to people of all nations;

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr., and strive to realize his dreams: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr., be remembered and recognized by future generations of Americans.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Bray, Breaux, Broden, Clark, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 1.

ROGERS

Motion prevailed.

House Concurrent Resolution 2

House Concurrent Resolution 2, sponsored by Senator Garton:

A CONCURRENT RESOLUTION to convene a Joint Session of the 114th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

Section 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House of Representatives at 7:00 p.m., on Tuesday, January 18th, 2005, to receive the Governor's message which will be given in compliance with Section 13 of Article 5 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereon.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 18, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 2:43 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate